

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A DONATION FOR BUILDING MAINTENANCE TO BE MADE WHEN A BUILDING IS DONATED TO THE STATE; AMENDING SECTIONS 2-17-512, 2-17-516, 17-3-1001, 17-3-1002, 17-6-409, 17-7-206, 20-8-111, 20-9-601, 20-15-109, 20-15-225, 22-1-103, 22-2-107, 22-2-309, 22-3-107, 22-3-303, 22-3-804, 23-1-102, 52-2-603, 52-7-105, 53-6-502, 53-24-204, 60-11-202, 70-31-301, 77-1-212, 77-1-213, 77-2-364, 80-1-102, 80-7-811, 80-11-208, 80-11-304, 80-11-403, 80-11-517, 80-11-602, 81-6-313, 85-1-332, 87-1-272, 87-1-611, 87-5-605, 90-1-132, AND 90-14-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND TERMINATION DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Restriction on donations for buildings -- rulemaking.** (1) The state or an agency, as defined in 2-18-101, may not accept a donation of a building or a donation to be used for a building unless the donation is accompanied by a donation to a trust fund to be used for the maintenance of the building. (2) The department of administration shall adopt rules to establish an appropriate percentage for a donation to maintenance based upon the amount of the donation for the building. The department shall use nationally published building construction and building maintenance schedules in adopting the rules.

**Section 2.** Section 2-17-512, MCA, is amended to read:

**"2-17-512. Powers and duties of department.** (1) The department is responsible for carrying out the planning and program responsibilities for information technology for state government, except the national guard. The department:

(a) shall encourage and foster the development of new and innovative information technology within state government;

(b) shall promote, coordinate, and approve the development and sharing of shared information technology application software, management systems, and information that provide similar functions for multiple state agencies;

(c) shall cooperate with the office of economic development to promote economic development initiatives

1 based on information technology;

2 (d) shall establish and enforce a state strategic information technology plan as provided for in 2-17-521;

3 (e) shall establish and enforce statewide information technology policies and standards;

4 (f) shall review and approve state agency information technology plans provided for in 2-17-523;

5 (g) shall coordinate with the office of budget and program planning to evaluate budget requests that  
6 include information technology resources. The department shall make recommendations to the office of budget  
7 and program planning for the approval or disapproval of information technology budget requests, including an  
8 estimate of the useful life of the asset proposed for purchase and whether the amount should be expensed or  
9 capitalized, based on state accounting policy established by the department. An unfavorable recommendation  
10 must be based on a determination that the request is not provided for in the approved agency information  
11 technology plan provided for in 2-17-523.

12 (h) shall staff the information technology board provided for in 2-15-1021;

13 (i) shall fund the administrative costs of the information technology board provided for in 2-15-1021;

14 (j) shall review the use of information technology resources for all state agencies;

15 (k) shall review and approve state agency specifications and procurement methods for the acquisition  
16 of information technology resources;

17 (l) shall review, approve, and sign all state agency contracts and shall review and approve other formal  
18 agreements for information technology resources provided by the private sector and other government entities;

19 (m) shall operate and maintain a central computer center for the use of state government, political  
20 subdivisions, and other participating entities under terms and conditions established by the department;

21 (n) shall operate and maintain a statewide telecommunications network for the use of state government,  
22 political subdivisions, and other participating entities under terms and conditions established by the department;

23 (o) shall ensure that the statewide telecommunications network is properly maintained. The department  
24 may establish a centralized maintenance program for the statewide telecommunications network.

25 (p) shall coordinate public safety communications on behalf of all state agencies as provided for in  
26 2-17-541 through 2-17-543;

27 (q) shall manage the state 9-1-1 program as provided for in Title 10, chapter 4, part 3;

28 (r) shall provide electronic access to information and services of the state as provided for in 2-17-532;

29 (s) shall provide assistance to the legislature, the judiciary, the governor, and state agencies relative to  
30 state and interstate information technology matters;

(t) shall establish rates and other charges for services provided by the department;

(u) must accept federal funds granted by congress or by executive order and gifts, grants, and donations, subject to [section 1], for any purpose of this section;

(v) shall dispose of personal property owned by it in a manner provided by law when, in the judgment of the department, the disposal best promotes the purposes for which the department is established;

(w) shall implement this part and all other laws for the use of information technology in state government;

(x) shall report to the appropriate interim committee on a regular basis and to the legislature as provided in 5-11-210 on the information technology activities of the department; and

(y) shall represent the state with public and private entities on matters of information technology.

(2) If it is in the state's best interest, the department may contract with qualified private organizations, foundations, or individuals to carry out the purposes of this section.

(3) The director of the department shall appoint the chief information officer to assist in carrying out the department's information technology duties."

**Section 3.** Section 2-17-516, MCA, is amended to read:

**"2-17-516. Exemptions -- university system -- office of public instruction -- national guard. (1)**

Unless the proposed activities would detrimentally affect the operation of the central computer center or the statewide telecommunications network, the office of public instruction is exempt from 2-17-512(1)(k) and (1)(l).

(2) Unless the proposed activities would detrimentally affect the operation of the central computer center or the statewide telecommunications network, the university system is exempt from:

(a) the enforcement provisions of 2-17-512(1)(d) and (1)(e) and 2-17-514;

(b) the approval provisions of 2-17-512(1)(f), 2-17-523, and 2-17-527;

(c) the budget approval provisions of 2-17-512(1)(g);

(d) the provisions of 2-17-512(1)(k) and (1)(l); and

(e) the transfer provisions of 2-17-531.

(3) The department, upon notification of proposed activities by the university system or the office of public instruction, shall determine if the central computer center or the statewide telecommunications network would be detrimentally affected by the proposed activity.

(4) For purposes of this section, a proposed activity affects the operation of the central computer center or the statewide telecommunications network if it detrimentally affects the processing workload, reliability, cost

1 of providing service, or support service requirements of the central computer center or the statewide  
2 telecommunications network.

3 (5) When reviewing proposed activities of the university system, the department shall consider and make  
4 reasonable allowances for the unique educational needs and characteristics and the welfare of the university  
5 system as determined by the board of regents.

6 (6) When reviewing proposed activities of the office of public instruction, the department shall consider  
7 and make reasonable allowances for the unique educational needs and characteristics of the office of public  
8 instruction to communicate and share data with school districts.

9 (7) ~~Section~~ Subject to [section 1], 2-17-512(1)(u) may not be construed to prohibit the university system  
10 from accepting federal funds or gifts, grants, or donations related to information technology or  
11 telecommunications.

12 (8) The national guard, as defined in 10-1-101(3), is exempt from 2-17-512."  
13

14 **Section 4.** Section 17-3-1001, MCA, is amended to read:

15 **"17-3-1001. State institutions which may take by gift, bequest, or grant.** (1) ~~The~~ Subject to [section  
16 1], the state of Montana, units of the Montana university system, the Montana school for the deaf and blind, all  
17 institutions in the department of corrections and the department of public health and human services, and any  
18 institutions now created or established or which may be created or established and supported in whole or in part  
19 by the state for any purpose may accept gifts, donations, grants, devises, or bequests of real or personal property  
20 from any source. Gifts, donations, grants, devises, or bequests, ~~or devises~~ may be made directly to the state, in  
21 the name of any of the institutions, to any officer or board of the institutions; or to any person in trust for the  
22 institutions.

23 (2) ~~In the event that~~ If a gift, donation, grant, devise, or bequest is made directly to ~~any an~~ an institution or to  
24 any officer or board of ~~any an~~ an institution, the gift, donation, grant, devise, or bequest is a gift, donation, grant,  
25 devise, or bequest to the state and must be administered and used by the state for the particular purpose for  
26 which it was given, donated, granted, devised, or bequeathed, ~~or devised~~. ~~In the event that~~ If a particular purpose  
27 is not mentioned in the gift, donation, grant, devise, or bequest, then it must be used for the general support,  
28 maintenance, or improvement of the institution by the state."  
29

30 **Section 5.** Section 17-3-1002, MCA, is amended to read:

**"17-3-1002. Persons who may make gifts to state institutions.** (1) ~~A donation, Subject to [section~~

~~1], a gift, donation, grant, devise, bequest, devise, or testamentary disposition of property, real or personal, may be made by any person over the age of 18 years and of sound mind to the state, a unit of the Montana university system, the state school for deaf and blind, an institution in the department of corrections or the department of public health and human services, and any and all institutions now created or established or that may be created or established and supported, in whole or in part, by the state for any purpose. Any Subject to [section 1], any person, corporation, or association of persons may make any a gift, donation, or grant of property, real or personal, to the state; or to any of the institutions referred to in this section.~~

~~(2) In the event that any If a gift, donation, grant, devise, or bequest is made to any institution or to any officer or board of any institution, the same it must be construed as a gift, donation, grant, devise, or bequest to the state and must be administered and used for the state for the particular purpose for which the same it was given, donated, granted, devised, or bequeathed, or devised. In the event that If a particular purpose is not mentioned in the gift, donation, grant, devise, or bequest, then the same it must be used for the general support, maintenance, or improvement of the institution by the state."~~

**Section 6.** Section 17-6-409, MCA, is amended to read:

**"17-6-409. Authority to accept funds -- funding authorization.** (1) ~~The Subject to [section 1], the~~ department may accept grants, donations, and other private and public income, including payments of interest on loans made by the department under the provisions of this part and fees charged by the department. The department shall deposit all money received under this section in the microbusiness finance program administrative account established in 17-6-407.

(2) The money in the microbusiness finance program administrative account may be appropriated for the purposes stated in this part."

**Section 7.** Section 17-7-206, MCA, is amended to read:

**"17-7-206. Maintenance for state buildings.** (1) Subject to legislative determination as provided in subsection (2), a major capital project appropriation by the legislature may include an amount for maintenance as a part of the appropriation. The amount appropriated for maintenance must be deposited in the long-range building account for use in future maintenance.

(2) A state building recommended for construction in the report to the legislature required by 17-7-203

1 may also be recommended as appropriate for the inclusion of an amount for maintenance. For those buildings  
2 recommended for construction, the legislature may allocate an amount not to exceed 2% of the appropriated cost  
3 for use in maintenance.

4 (3) This section does not preclude additional funds, including separate appropriations, ~~donations~~, grants,  
5 or other available funds, from being used for the construction or maintenance of state buildings. Donations for  
6 buildings are subject to [section 1]."

7  
8 **Section 8.** Section 20-8-111, MCA, is amended to read:

9 **"20-8-111. Duty of board of public education as to property of school.** ~~The~~ Subject to [section 1],  
10 the board of public education shall, either directly or through a contract with a nonprofit corporation, receive, hold,  
11 manage, use, and dispose of real and personal property transferred to the board or to the state of Montana by  
12 purchase, gift, devise, or bequest or otherwise acquired and the proceeds, interest, and income of the property  
13 for the use and benefit of the school for the deaf and blind. All donations, gifts, devises, or grants vest in the board  
14 or its designee, as trustee for the state of Montana, for the use and benefit of the school and its students."

15  
16 **Section 9.** Section 20-9-601, MCA, is amended to read:

17 **"20-9-601. Public school fund.** The public school fund must be maintained by the state treasurer as  
18 a fund in the permanent fund type, and the principal amount of the fund is irreducible and permanent. The  
19 following money must be credited to the fund as an addition to the irreducible and permanent principal amount:

- 20 (1) appropriations and donations by the state;
- 21 (2) subject to [section 1], donations and bequests by individuals to the state or schools;
- 22 (3) the proceeds of land and other property that revert to the state by escheat and forfeiture;
- 23 (4) the proceeds of all property granted to the state, when the purpose of the grant is not specified or  
24 is uncertain;
- 25 (5) funds accumulated in the treasury of the state for the disbursement of which provision has not been  
26 made by law;
- 27 (6) except as provided in 77-1-109, the proceeds of the sale of stone, materials, or other property from  
28 school lands other than those granted for specific purposes and all money other than rental recovered from  
29 persons trespassing on the lands;
- 30 (7) the principal of all money arising from the sale of lands and other property that has been and may

1 be granted to the state for the support of common schools;

2 (8) except as provided in 77-1-109, the amount earmarked for deposit in this fund under the provisions  
3 of 20-9-341; and

4 (9) other money as may be provided by the legislature."  
5

6 **Section 10.** Section 20-15-109, MCA, is amended to read:

7 **"20-15-109. Acceptance of donations.** ~~The Subject to [section 1], the board of trustees of a community~~  
8 college district, on behalf of the district, ~~is hereby authorized and empowered to~~ may accept gifts, legacies, and  
9 devises, subject to ~~the any~~ conditions imposed by the deed of the donor or will of the testator or without any  
10 conditions imposed."  
11

12 **Section 11.** Section 20-15-225, MCA, is amended to read:

13 **"20-15-225. Powers and duties of trustees.** (1) The trustees of a community college district shall,  
14 subject to supervision by the board of regents:

15 (a) have general control and supervision of the community college;

16 (b) adopt rules, not inconsistent with the constitution and the laws of the state, for the government and  
17 administration of the community college;

18 (c) grant certificates and degrees to the graduates of the community college;

19 (d) keep a record of their proceedings;

20 (e) when not otherwise provided by law, have control of all books, records, buildings, grounds, and other  
21 property of the community college;

22 (f) receive from the state board of land commissioners; other boards, agencies, or persons; or the  
23 government of the United States all funds, income, and other property the community college may be entitled to  
24 receive or accept and use and appropriate the property for the specific purpose of the entitlement, grant, or  
25 donation, subject to [section 1];

26 (g) have general control of all receipts and disbursements of the community college;

27 (h) appoint and dismiss a president and faculty for the community college; appoint and dismiss any other  
28 necessary officers, agents, and employees; fix their compensation; and set the terms and conditions of their  
29 employment;

30 (i) administer the tuition provision and otherwise govern the students of the community college district

1 in accordance with the provisions of this chapter;

2 (j) call and conduct the elections of the district in accordance with the school election chapter of this title;

3 (k) participate in the teachers' retirement system of the state of Montana in accordance with the  
4 provisions of the teachers' retirement system chapter of this title;

5 (l) establish employee benefits, other than retirement benefits, and fix their limits in accordance with  
6 2-18-701 through 2-18-704; and

7 (m) participate in district boundary change actions in accordance with the provisions of the district  
8 organization chapter of this title.

9 (2) The trustees of a community college district shall hold in trust all real and personal property of the  
10 district for the benefit of the college and students.

11 (3) The trustees of a community college district may enter into agreements with the western interstate  
12 commission for higher education, or similar intrastate, interstate, or international agreements, for the benefit of  
13 the district and students."  
14

15 **Section 12.** Section 22-1-103, MCA, is amended to read:

16 **"22-1-103. State library commission -- authority.** The state library commission may:

17 (1) give assistance and advice to all tax-supported or public libraries in the state and to all counties,  
18 cities, towns, or regions in the state that propose to establish libraries, as to the best means of establishing and  
19 improving those libraries;

20 (2) maintain and operate the state library and make provision for its housing;

21 (3) (a) accept and expend in accordance with the terms of a grant any grant of federal funds that is  
22 available to the state for library purposes;

23 (b) subject to [section 1], accept, receive, and administer any gifts, donations, bequests, and legacies  
24 made to the Montana state library. Unless otherwise provided by the donor, gifts, donations, bequests, and  
25 legacies must be deposited in the Montana state library trust established in 22-1-225.

26 (4) make rules and establish standards for the administration of the state library and for the control,  
27 distribution, and lending of books and materials;

28 (5) serve as the agency of the state to accept and administer any state, federal, or private funds or  
29 property appropriated for or granted to it for library service or foster libraries in the state and establish regulations  
30 under which funds must be disbursed;



(6) provide library services for the blind and for individuals with physical disabilities;

(7) furnish, by contract or otherwise, library assistance and information services to state officials, state departments, and residents of those parts of the state inadequately serviced by libraries;

(8) act as a state board of professional standards and library examiners, develop standards for public libraries, and adopt rules for the certification of librarians;

(9) designate areas for and establish federations of libraries."

**Section 13.** Section 22-2-107, MCA, is amended to read:

**"22-2-107. Gifts and donations.** ~~The~~ Subject to [section 1], the council may acquire, accept, receive, dispose of, and administer in the name of the council any gifts, donations, properties, securities, bequests, and legacies that may be made to it. ~~Moneys~~ Money received by donation, gift, bequest, or legacy, unless otherwise provided by the donor, ~~shall~~ must be deposited in the state special revenue fund of the state treasury and used for the general operation of the council. The council is the official agency of the state to receive and disburse any funds made available by the national foundation on the arts and the humanities."

**Section 14.** Section 22-2-309, MCA, is amended to read:

**"22-2-309. Grant categories.** (1) The following categories are established for grant funds:

(a) special projects which are specific cultural and aesthetic activities, services, or events of limited duration;

(b) operational support for cultural institutions that have been in existence for at least 2 years and whose budgets reflect only the cost of continuing their current program;

(c) capital expenditures for acquisition, construction, or renovation of facilities; and

(d) challenge grants for permanent endowments to benefit cultural nonprofit grant recipients.

(2) The Montana arts council may require a match in cash or donated services for special project and operational support grants. There is a presumption that the match must represent \$1 in value for each dollar of the grant. The Montana arts council may accept matches in excess of the presumed value or may in its discretion require a lesser amount.

(3) Capital expenditures may not exceed 25% of the total grant funds appropriated. ~~Capital~~ Subject to [section 1], capital expenditure grants require a match of at least \$3 in cash or donated goods and services, which goods and services must be donated specifically for the capital expenditure project, to receive each dollar of grant

1 funds.

2 (4) ~~Challenge~~ Subject to [section 1], challenge grants require a match of at least \$3 in cash or irrevocable  
3 planned or deferred gifts to receive each dollar of grant funds. Challenge grants are available upon meeting the  
4 specified match. Not less than one-third of the specified match must be in cash. Not more than one-third of the  
5 match may be in wills, devises, bequests, and paid-up life insurance policies. A devise may include retention of  
6 an irrevocable life estate by the donor."

7  
8 **Section 15.** Section 22-3-107, MCA, is amended to read:

9 **"22-3-107. Authority of board.** The powers and duties of the trustees are as follows:

10 (1) to elect annually from among their number a president, a vice president, and a secretary;

11 (2) to adopt bylaws for their own government and to make rules, not inconsistent with law, for the proper  
12 administration of the society in the interests of preserving the rich heritage of this state and its people;

13 (3) to appoint a director, fix the director's salary, and prescribe the director's duties and responsibilities;

14 (4) to create classes of memberships in the society as they consider desirable, to determine the  
15 qualifications for any class of membership, and to set the fees to be paid for memberships;

16 (5) to sell or exchange publications and other museum or art objects and use the money arising from  
17 sales for the operation of the society and for the acquisition of historical materials and objects of art;

18 (6) to sell or exchange surplus or duplicate books, surplus museum or art objects, or artifacts not  
19 pertinent to the region encompassed by the Montana historical society mission and to use the money arising from  
20 the sales exclusively for acquisitions of library, art, and museum artifacts;

21 (7) to see that the collections and properties of the society are maintained in good order and repair;

22 (8) to report to the governor and, as provided in 5-11-210, the legislature biennially. The report must  
23 include a statement of all important transactions and acquisitions, with suggestions and recommendations for the  
24 better realization of the purposes of the society and the improvement of its collections and services.

25 (9) subject to [section 1], to accept, receive, and administer in the name of the society any gifts,  
26 donations, properties, securities, bequests, and legacies that may be made to the society. Money received by  
27 donation, gift, bequest, or legacy, unless otherwise provided by the donor, must be deposited in the state treasury  
28 and used for the general operation of the society.

29 (10) to collect, assemble, preserve, and display, when appropriate, all obtainable books, pamphlets,  
30 maps, charts, manuscripts, journals, diaries, papers, business records, paintings, drawings, engravings,

1 photographs, statuary, models, relics, and all other materials illustrative of the history of Montana in particular and  
2 generally of the Pacific Northwest, Northern Rocky Mountain, and Northern Great Plains regions and of the United  
3 States of America when pertinent;

4 (11) to procure from pioneers, early settlers, and others narratives of the events relative to the early  
5 settlement of Montana, the Indian occupancy, Indian and other wars, overland travel and immigration to the  
6 territories of the west, and all other related documents of Montana's history, development, and society;

7 (12) to gather contemporary information, specimens, and all other materials that exhibit faithfully the  
8 distinctive historical and contemporary characteristics of the area, with particular attention to Indian, military, and  
9 pioneer artifacts and implements;

10 (13) to collect and preserve ~~such~~ natural history objects such as fossils, plants, minerals, and animals;

11 (14) to collect and preserve books, maps, manuscripts, and other materials ~~as~~ that will tend to facilitate  
12 historical, scientific, and antiquarian research;

13 (15) to promote the study of Montana history by lectures and publications;

14 (16) to publish a roadside history of Montana, with maps, photographs, and text that will enable tourists,  
15 citizens, and students to understand the history of the countryside seen from the state's main roads;

16 (17) to generally foster and encourage the fine arts and cultural activities in Montana;

17 (18) to receive for and on behalf of the state, by donation or otherwise, art objects of any kind and  
18 description and to exhibit and circulate the objects in Montana and elsewhere;

19 (19) to microfilm papers or documents in danger of disappearance or injury; and

20 (20) to coordinate the administration of the historic records network established in 22-3-211."

21  
22 **Section 16.** Section 22-3-303, MCA, is amended to read:

23 **"22-3-303. Gifts for building.** ~~The Subject to [section 1], the state of Montana is hereby authorized to~~  
24 may receive gifts, legacies, and donations of money or other property for the erection or maintenance of the  
25 memorial building ~~herein~~ provided for in this part, and all ~~such~~ gifts, legacies, and donations are ~~hereby~~  
26 to such that purpose."

27  
28 **Section 17.** Section 22-3-804, MCA, is amended to read:

29 **"22-3-804. Board -- composition -- rights -- responsibilities.** (1) There is a burial preservation board.  
30 The board is composed of:

1 (a) one representative of each of the seven reservations, appointed by the governor from a list of up to  
2 three nominees provided by each of the respective tribal governments;

3 (b) one person appointed by the governor from a list of up to three nominees submitted by the Little Shell  
4 band of Chippewa Indians;

5 (c) one person appointed by the governor from a list of up to three nominees submitted by the Montana  
6 state historic preservation officer;

7 (d) one representative of the Montana archaeological association appointed by the governor from a list  
8 of up to three nominees submitted by the Montana archaeological association;

9 (e) one physical anthropologist appointed by the governor;

10 (f) one representative of the Montana coroners' association appointed by the governor from a list of up  
11 to three nominees submitted by the Montana coroners' association; and

12 (g) one representative of the public, appointed by the governor, who is not associated with tribal  
13 governments; state government; the fields of historic preservation, archaeology, or anthropology; or the Montana  
14 coroners' association.

15 (2) Members of the board shall serve staggered 2-year terms. A vacancy on the board must be filled in  
16 the same manner as the original appointment and only for the unexpired portion of the term.

17 (3) The board shall:

18 (a) provide for the establishment and maintenance of a registry of burial sites located in the state;

19 (b) designate the appropriate member or members of the board or a representative or representatives  
20 of the board to conduct a field review upon notification of the discovery of human skeletal remains, a burial site,  
21 or burial materials;

22 (c) assist interested landowners in the development of agreements with the board for the treatment and  
23 disposition, with appropriate dignity, of human skeletal remains and burial material;

24 (d) mediate, upon application of either party, disputes that may arise between a landowner and known  
25 descendants that relate to the treatment and disposition of human skeletal remains and burial material;

26 (e) assume responsibility for final treatment and disposition of human skeletal remains and burial material  
27 if the field review recommendation is not accepted by the board's representatives and the landowner;

28 (f) establish a nonrefundable application fee, not to exceed \$50, for a permit for scientific analysis of  
29 human skeletal remains or burial material from burial sites as provided by 22-3-806;

30 (g) issue permits authorizing scientific analysis;

1 (h) subject to [section 1], accept grants or real or in-kind donations to carry out the purposes of this part;

2 (i) adopt rules necessary to administer and enforce the provisions of this part; and

3 (j) perform any other duties necessary to implement the provisions of this part.

4 (4) The board is allocated to the department of administration for administrative purposes only as  
5 prescribed in 2-15-121.

6 (5) Members of the board shall serve without pay but are entitled to reimbursement for travel, meals, and  
7 lodging pursuant to 2-18-501 through 2-18-503."  
8

9 **Section 18.** Section 23-1-102, MCA, is amended to read:

10 **"23-1-102. Powers and duties of department of fish, wildlife, and parks.** (1) The department shall  
11 make a study to determine the scenic, historic, archaeologic, scientific, and recreational resources of the state.  
12 The department may by purchase, lease, agreement, or, subject to [section 1], acceptance of donations acquire  
13 for the state any areas, sites, or objects that in its opinion should be held, improved, and maintained as state  
14 parks, state recreational areas, state monuments, or state historical sites. The department, with the consent of  
15 the commission, may acquire by condemnation, pursuant to Title 70, chapter 30, lands or structures for the  
16 purposes provided in 87-1-209(2).

17 (2) ~~The Subject to [section 1], the~~ department may accept in the name of the state, in fee or otherwise,  
18 any areas, sites, or objects conveyed, entrusted, donated, or devised to the state. ~~† Subject to [section 1], the~~  
19 ~~department~~ may accept gifts, grants, bequests, or contributions of money or other property to be spent or used  
20 for any of the purposes of this part.

21 (3) A contract, for any of the purposes of this part, may not be entered into or another obligation incurred  
22 until money has been appropriated by the legislature or is otherwise available. If the contract or obligation pertains  
23 to acquisition of areas or sites in excess of either 100 acres or \$100,000 in value, the board of land  
24 commissioners shall specifically approve the acquisition.

25 (4) The department has jurisdiction, custody, and control of all state parks, recreational areas, public  
26 camping grounds, historical sites, and monuments, except wayside camps and other public conveniences  
27 acquired, improved, and maintained by the department of transportation and contiguous to the state highway  
28 system. The department may designate lands under its control as state parks, state historical sites, state  
29 monuments, or by any other designation that it considers appropriate. The department may remove or change  
30 the designation of any area or portion of an area and may name or change the name of any area. The department

1 may lease those portions of designated lands that are necessary for the proper administration of the lands in  
2 keeping with the basic purpose of this part."

3  
4 **Section 19.** Section 52-2-603, MCA, is amended to read:

5 **"52-2-603. Powers and duties of department.** (1) The department shall:

6 (a) administer all state and federal funds allocated to the department for youth foster homes, kinship  
7 foster homes, youth group homes, youth shelter care facilities, child-care agencies, and transitional living  
8 programs for youth in need of care, as defined in 41-3-102;

9 (b) exercise licensing authority over all youth foster homes, kinship foster homes, youth group homes,  
10 youth shelter care facilities, child-care agencies, transitional living programs, and youth assessment centers;

11 (c) collect and disseminate information relating to youth in need of care;

12 (d) provide for training of program personnel delivering services;

13 (e) in cooperation with youth care facility providers, develop and implement standards for youth care  
14 facilities;

15 (f) maintain adequate data on placements it funds in order to keep the legislature properly informed of  
16 the following:

17 (i) the number of youth in need of care in out-of-home care facilities;

18 (ii) the cost per facility for services rendered;

19 (iii) the type and level of care of services provided by each facility;

20 (iv) a profile of out-of-home care placements by level of care; and

21 (v) a profile of public institutional placements;

22 (g) administer all funds allocated to the department for residential alcohol and drug abuse treatment for  
23 indigent youths in need of care, indigent youths in need of intervention, and indigent delinquent youths who  
24 require treatment; and

25 (h) provide reimbursement for mental health outpatient counseling services for persons who experience  
26 the death of a foster child while providing substitute care to the foster child in a youth care facility.

27 (2) The department may:

28 (a) enter into contracts with nonprofit corporations or associations or private organizations to provide  
29 substitute care for youth in need of care in youth care facilities;

30 (b) accept gifts, grants, and donations of money and, subject to [section 1], property from public and

private sources to initiate and maintain community-based services to youth;

(c) adopt rules to carry out the administration and purposes of this part.

(3) The department shall pay for room, board, clothing, personal needs, and transportation in youth foster care homes and youth group homes for youth who are in the physical or legal custody of the department and who need to be placed in the facilities. Payments for the clothing of a youth placed in a youth foster home must be provided to the extent that the youth needs a basic wardrobe or has a special clothing need. Upon approval by the department, payments under this subsection may continue for a youth up to 21 years of age who remains in substitute care. Payments under this subsection may not exceed appropriations for the purposes of this subsection.

(4) The department may provide a subsidy for a guardianship of a child who is in the department's legal custody if the guardianship has been approved by the department pursuant to 41-3-444 and in accordance with eligibility criteria established by department rule."

**Section 20.** Section 52-7-105, MCA, is amended to read:

**"52-7-105. Endowment for children.** (1) There is within the permanent fund type an endowment for children. The endowment is not subject to appropriation. The purpose of the endowment is to provide a permanent source of funding to support the programs and services referred to in 52-7-101.

(2) The endowment may receive funds from:

(a) appropriations;

(b) gifts, grants, and, subject to [section 1], donations, from public or private sources; and

(c) other money credited or transferred to the endowment from any other fund or source.

(3) The state treasurer must receive and shall deposit money in the endowment. The board of investments shall invest the money in the endowment. Only the interest generated by the endowment is available for expenditure by the board."

**Section 21.** Section 53-6-502, MCA, is amended to read:

**"53-6-502. Traumatic brain injury trust fund established -- source of funds -- uses.** (1) There is an account in the state special revenue fund to be used to establish a traumatic brain injury trust fund.

(2) The trust fund consists of, subject to [section 1], donations or grants received for the purpose of providing services for persons suffering from traumatic brain injury.

(3) The money in this account must be used solely for planning, coordinating, and providing services to persons suffering from traumatic brain injury."

**Section 22.** Section 53-24-204, MCA, is amended to read:

**"53-24-204. Powers and duties of department.** (1) To carry out this chapter, the department may:

(a) accept gifts, grants, and, subject to [section 1], donations of money and property from public and private sources;

(b) enter into contracts;

(c) acquire and dispose of property.

(2) The department shall:

(a) approve treatment facilities as provided for in 53-24-208;

(b) prepare a comprehensive long-term state chemical dependency plan every 4 years and update this plan each biennium;

(c) provide for and conduct statewide service system evaluations;

(d) distribute state and federal funds to the counties for approved treatment programs in accordance with the provisions of 53-24-108 and 53-24-206;

(e) plan in conjunction with approved programs and provide for training of program personnel delivering services to persons with a chemical dependency;

(f) establish criteria to be used for the development of new programs;

(g) encourage planning for the greatest use of funds by discouraging duplication of services, encouraging efficiency of services through existing programs, and encouraging rural counties to form multicounty districts or contract with urban programs for services;

(h) cooperate with the board of pardons and parole in establishing and conducting programs to provide treatment for intoxicated persons and persons with a chemical dependency in or on parole from penal institutions;

(i) establish standards for chemical dependency educational courses provided by state-approved treatment programs and approve or disapprove the courses; and

(j) assist all interested public agencies and private organizations in developing education and prevention programs for chemical dependency."

**Section 23.** Section 60-11-202, MCA, is amended to read:



1           **"60-11-202. Southern amtrak route account.** (1) There is a southern amtrak route account in the state  
2 special revenue fund. Money deposited in the account must be used for an engineering and operating study by  
3 amtrak of a rail passenger route across southern Montana. The department of transportation shall administer the  
4 account.

5           (2) The department may accept gifts, grants, or, subject to [section 1], donations for the engineering and  
6 operating study."

7  
8           **Section 24.** Section 70-31-301, MCA, is amended to read:

9           **"70-31-301. Appraisal, negotiation, and other condemnation policies mandated.** An agency that  
10 acquires real property for a program or project, {for which federal financial assistance will be available to pay all  
11 or any part of the cost of the program or project}, shall comply with the following policies:

12           (1) The agency shall make every reasonable effort to expeditiously acquire real property by negotiation.

13           (2) Real property must be appraised before the initiation of negotiations, and the owner or the owner's  
14 designated representative must be given an opportunity to accompany the appraiser during the appraiser's  
15 inspection of the property. The head of the agency may prescribe a procedure to waive the appraisal in cases  
16 involving the acquisition by sale or donation of property with a low fair market value. Donation of property is  
17 subject to [section 1].

18           (3) Before the initiation of negotiations for real property, an amount must be established that is  
19 reasonably believed to be just compensation for the property or interest taken, and that amount must be offered  
20 for the property. The amount may not be less than the approved appraisal of the fair market value of the property.  
21 Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the  
22 public improvement for which the property is acquired or by the likelihood that the property would be acquired  
23 for the improvement, other than an amount due to physical deterioration within the reasonable control of the  
24 owner, must be disregarded in determining the compensation for the property. The owner of the real property to  
25 be acquired must be provided with a written statement of and summary of the basis for the amount established  
26 as just compensation. When appropriate, the just compensation for the real property acquired and for damages  
27 to remaining real property must be separately stated.

28           (4) An owner may not be required to surrender possession of real property before the agreed purchase  
29 price is paid or before there is deposited with the court, in accordance with applicable law, for the benefit of the  
30 owner, an amount not less than the approved appraisal of the fair market value of the property or the amount of

1 the award of compensation in the condemnation proceeding of the property.

2 (5) The construction or development of a program or project, {for which federal financial assistance will  
3 be available to pay all or any part of the cost of the program or project}, must be scheduled so that, to the greatest  
4 extent practicable, a person lawfully occupying real property is not required to move from a dwelling, {assuming  
5 a replacement dwelling will be available}, or to move the person's business or farm operation without at least 90  
6 days' written notice of the date by which a move is required.

7 (6) If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short  
8 term or for a period subject to termination by the acquiring agency on short notice, the amount of rent required  
9 may not exceed the fair rental value of the property to a short-term occupier.

10 (7) The time of condemnation may not be advanced, negotiations or condemnation and the deposit of  
11 funds in court for the use of the owner may not be deferred, and any other action coercive in nature may not be  
12 taken to compel an agreement on the price to be paid for the property.

13 (8) If an interest in real property is to be acquired by exercise of the power of eminent domain, formal  
14 condemnation proceedings must be instituted as provided in Title 70, chapter 30. The acquiring agency may not  
15 intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of the  
16 owner's real property.

17 (9) If the acquisition of only part of the property would leave its owner with an uneconomic remnant, an  
18 offer to acquire the uneconomic remnant must be made.

19 (10) A person whose real property is being acquired may, after being fully informed of the person's right  
20 to receive just compensation, donate to an agency the property, any interest in the property, or any compensation  
21 received for the property."

22  
23 **Section 25.** Section 77-1-212, MCA, is amended to read:

24 **"77-1-212. Acceptance of federal facilities and installations -- title in state.** ~~The~~ Subject to [section  
25 1], the board may, on behalf of the state, accept donations of federal installations, facilities, lands, or properties.  
26 All title to the installations or facilities ~~shall~~ must be vested in the name of the state for its use. This section does  
27 not limit, reduce, or supersede Title 18, chapter 5, part 2."

28  
29 **Section 26.** Section 77-1-213, MCA, is amended to read:

30 **"77-1-213. Acceptance of gifts, donations, grants, legacies, and devises to the state.** (1) ~~The~~

1 ~~Subject to [section 1], the board is hereby authorized and empowered to may~~ accept on behalf of the state from  
2 any natural person gifts, donations, grants, legacies, and devises having a value of not less than \$250 from each  
3 person. All lands passing to the state under these provisions or through the operation of law ~~shall~~ must be  
4 managed as other state lands, and the rents and earnings ~~shall~~ must be applied in accordance with the object  
5 and purpose specified by the grantor, subject to all constitutional limitations.

6 (2) All money realized from the sale of ~~such~~ lands described in subsection (1) and from other property  
7 and all gifts, donations, grants, legacies, and devises made in money or the equivalent of money ~~shall~~ must be  
8 administered by the board for the benefit of the specific purposes designated by the person from whom they were  
9 received and as further regulated by this title. The provisions of this section ~~shall~~ apply to gifts, donations, grants,  
10 legacies, and devises already made to the state and ~~now~~ under the administration of the board if not contrary to  
11 any specific provisions made ~~therein~~ by the persons from whom they were received."

12  
13 **Section 27.** Section 77-2-364, MCA, is amended to read:

14 **"77-2-364. Land banking purchases.** (1) The board may select and purchase, lease, receive by  
15 donation subject to [section 1], hold in trust, or in any manner acquire for and in the name of the state of Montana,  
16 in trust for the beneficiaries specified in sections 10 through 19 of The Enabling Act of Congress (approved  
17 February 22, 1889, 25 Stat. 676), as amended, any interest in real property and improvements, tracts, and  
18 leaseholds of land that the board considers proper in order to best provide prudent, maximum, long-term revenue  
19 for the beneficiaries.

20 (2) Sales of state land may be initiated only by the board, the department, or at the request of a lessee,  
21 pursuant to 77-1-202, 77-1-301, 77-2-301, or 77-2-308. The board shall ensure that the full market value of the  
22 land sold is realized for each trust by using the appraisal, sale, advertising, and competitive bid procedures  
23 contained within 77-2-303, 77-2-321, 77-2-322, 77-2-323, and 77-2-324.

24 (3) When it is not inconsistent with the purpose of the trust, the board shall purchase land possessing  
25 legal access for all legal purposes.

26 (4) When purchasing land, easements, or improvements for the existing trusts, the board shall develop  
27 and apply appraisal and revenue projection procedures to ensure that the land or easements proposed for  
28 purchase or that the improvements proposed to be acquired are likely to produce more net revenue for the  
29 affected trust than the revenue that was produced from the land that was sold. The board may not purchase land,  
30 easements, or improvements pursuant to 77-2-361 through 77-2-367 unless it has first prudently determined that

1 the land, easements, or improvements are likely to produce a greater or equal annual rate of return, as may be  
2 reasonably expected over a 20-year accounting period, with an acceptable level of risk for the affected trust, than  
3 the current annual rate of return from the state land that has been sold pursuant to 77-2-363. As guidance, the  
4 board shall use generally accepted accounting standards and the Uniform Appraisal Standards for Federal Land  
5 Acquisitions published by the U.S. department of justice and the appraisal institute.

6 (5) Prior to purchasing any land, easements, or improvements, the board shall determine that the  
7 financial risks and benefits of the purchase are prudent, financially productive investments that are consistent with  
8 the board's fiduciary duty as a reasonably prudent trustee of a perpetual trust. For the purposes of implementing  
9 77-2-361 through 77-2-367, that duty requires the board to:

10 (a) discharge its duties with the care, skill, prudence, and diligence that a prudent person acting in a  
11 similar capacity with the same resources and familiar with similar matters should exercise in the conduct of an  
12 enterprise of similar character and aims;

13 (b) diversify the land holdings of each trust to minimize the risk of loss and maximize the sustained rate  
14 of return;

15 (c) discharge its duties and powers solely in the interest of and for the benefit of the trust managed;

16 (d) discharge its duties subject to the fiduciary standards set forth in 72-34-114; and

17 (e) maintain, as closely as possible, the existing land base of each trust, consistent with the state's  
18 fiduciary duty.

19 (6) Prior to purchasing a parcel of land in excess of 160 acres in any particular county, the board shall  
20 consult with the county commissioners of the county in which the parcel is located."

21  
22 **Section 28.** Section 80-1-102, MCA, is amended to read:

23 **"80-1-102. Duties of department.** The department shall:

24 (1) encourage and promote the interests of agriculture, including horticulture and apiculture, and all other  
25 allied industries;

26 (2) collect and publish statistics relating to the production and marketing of crops and other agricultural  
27 products so far as the information may be of value to the agricultural and allied interests of the state;

28 (3) assist, encourage, and promote the organization of farmers' institutes, horticultural and agricultural  
29 societies, the holding of fairs, livestock shows, or other exhibits of the products of agriculture;

30 (4) adopt standards for open and closed receptacles for farm products and standards for the grade and

1 other classification of farm products;

2 (5) cooperate with producers and consumers in devising and maintaining economical and efficient  
3 systems of distribution and aid in the reduction of waste and expense incidental to marketing;

4 (6) have the authority to maintain a market news service, including information as to crops, freight rates,  
5 commission rates, and other matters as may be of service to producers and consumers, and act as a  
6 clearinghouse for information of value to producers and consumers;

7 (7) gather and diffuse information concerning the supply, demand, prevailing prices, and commercial  
8 movement of farm products;

9 (8) investigate the practices and methods of factors, commission merchants, and others who receive,  
10 solicit, buy, sell, handle on commission or otherwise, or deal in grain, vegetables, or other farm products, so that  
11 distribution of the commodities is accomplished efficiently, economically, and without hardship, waste, or fraud;

12 (9) cooperate with Montana state university-Bozeman, the agricultural experiment station, and the federal  
13 government for the betterment of the agricultural industries of the state, the improvement of rural life, and  
14 promotion of equality of opportunity for the farmers of the state;

15 (10) subject to [section 1], take and hold in the name of the state of Montana property, real and personal,  
16 acquired by gifts, subscriptions, donations, and bequests;

17 (11) sell and dispose of personal property owned by it in a manner the department may provide, when  
18 in the judgment of the department the sale or disposal best promotes the purposes for which the department is  
19 established;

20 (12) contract in respect to any matter within the scope of its authority;

21 (13) enforce this title and all other laws for the protection and regulation of agriculture."  
22

23 **Section 29.** Section 80-7-811, MCA, is amended to read:

24 **"80-7-811. Noxious weed management trust fund.** (1) As required by Article IX, section 6, of the  
25 Montana constitution, there is a noxious weed management trust fund of \$10 million. The department shall  
26 administer the trust fund in accordance with this part.

27 (2) Deposits to the principal of the noxious weed management trust fund may include but are not limited  
28 to:

29 (a) federal contributions;

30 (b) subject to [section 1], private donations; and

1 (c) state contributions."

2  
3 **Section 30.** Section 80-11-208, MCA, is amended to read:

4 **"80-11-208. Receipt of gifts, grants, or donations for research purposes.** ~~The~~ Subject to [section  
5 1], the department may receive any gifts, grants, or donations for any research of scientific inquiries conducted  
6 under this part and may spend ~~them~~ money received in compliance with the conditions of the grants, gifts, and  
7 donations."

8  
9 **Section 31.** Section 80-11-304, MCA, is amended to read:

10 **"80-11-304. Powers of the committee.** The committee may:

11 (1) provide, through the department of agriculture, for the administration and enforcement of this part;

12 (2) enter into contracts in the name of the committee;

13 (3) authorize the purchase of all office equipment or supplies and incur all other reasonable and  
14 necessary expenses and obligations required for the proper carrying out of the provisions of this part;

15 (4) become a member of and purchase membership in trade organizations and subscribe to and  
16 purchase trade bulletins, journals, and other trade publications;

17 (5) plan and conduct a research program to improve the quality of alfalfa seed, develop and improve  
18 control measures for disease and pests which attack alfalfa and alfalfa seed pollinators, improve alfalfa growing  
19 culture, disseminate ~~such~~ the information among the growers and dealers of the state, and make ~~such~~ research  
20 contracts and other agreements as may be necessary;

21 (6) plan and conduct a publicity and sales promotion campaign to increase the sale and use of Montana  
22 alfalfa seed and make ~~such~~ publicity and sales promotion contracts and other agreements as may be necessary;

23 (7) in cooperation with the director of the department of agriculture, establish and maintain the executive  
24 offices of the committee at any place within the state, which designated place may be changed at the discretion  
25 of the director and the committee;

26 (8) recommend rules and orders to be adopted for the exercise of its power and the performance of its  
27 duties; in accordance with the Montana Administrative Procedure Act;

28 (9) cooperate with any local, state, or national organization or agency, whether voluntary or created by  
29 the law of any state or the United States government, engaged in work or activities similar to the work and  
30 activities of the committee and enter into contracts or agreements with ~~such~~ those organizations or agencies for

1 carrying on a joint campaign of research, education, product protection, publicity, and reciprocal enforcement of  
2 these objectives; and

3 (10) subject to [section 1], accept grants, donations, and gifts from any source ~~for expenditure~~ for any  
4 purpose consistent with this part, which may be specified as a condition of any grant, donation, or gift."

5  
6 **Section 32.** Section 80-11-403, MCA, is amended to read:

7 **"80-11-403. Powers of the committee.** The committee may:

8 (1) provide for the administration and enforcement of this part;

9 (2) enter into contracts or agreements with units of the Montana university system and other local, state,  
10 or national organizations, public or private, for purposes of:

11 (a) improving mint quality;

12 (b) increasing the efficiency of production;

13 (c) developing marketing knowledge;

14 (d) developing markets;

15 (e) determining new uses for mint;

16 (f) developing alternative crops compatible with mint;

17 (g) carrying out all research and marketing contemplated by this part; and

18 (h) carrying out the purposes of this part;

19 (3) authorize the purchase of office equipment and supplies and incur other reasonable and necessary  
20 expenses and obligations required to carry out this part;

21 (4) become a member of and purchase membership in trade organizations and subscribe to and  
22 purchase trade bulletins, journals, and other trade publications;

23 (5) adopt rules and orders for the exercise of its power and the performance of its duties in accordance  
24 with the Montana Administrative Procedure Act;

25 (6) cooperate with any local, state, or national organization or agency, whether voluntary or created by  
26 the law of any state or the United States, engaged in work or activities similar to the work and activities of the  
27 committee and enter into contracts with those organizations or agencies for conducting joint campaigns of  
28 research, education, disease control, product protection, and reciprocal enforcement of objectives;

29 (7) subject to [section 1], accept grants, donations, and gifts from any source ~~for expenditure~~ for any  
30 purpose consistent with this part and spend the proceeds in compliance with the conditions of the grants,

1 donations, and gifts; and

2 (8) establish by rule an integrated pest management program, complete with field scouting services. The  
3 purpose of the program is to identify, as early as possible, any potentially damaging diseases, weeds, or pests  
4 that could inhibit the long-term health of the Montana mint industry."

5  
6 **Section 33.** Section 80-11-517, MCA, is amended to read:

7 **"80-11-517. Receipt of gifts, grants, and donations for research and marketing purposes.** ~~The~~  
8 Subject to [section 1], the department may receive gifts, grants, and donations for any commodity research and  
9 market development conducted pursuant to this part."

10  
11 **Section 34.** Section 80-11-602, MCA, is amended to read:

12 **"80-11-602. Account established -- sources -- use -- expenditures.** (1) There is an account in the  
13 state special revenue fund. The following must be placed in the account:

14 (a) subject to [section 1], the proceeds from all gifts, grants, or donations to the department for  
15 development and administration of the state organic certification plan and program authorized under 80-11-601;

16 (b) proceeds of assessments, penalties, and other money collected pursuant to a state organic  
17 certification program when implemented pursuant to 80-11-601.

18 (2) The account must be maintained for the purposes of 80-11-601 and must be separate from all other  
19 accounts of the department.

20 (3) The department may direct the board of investments to invest funds from the account pursuant to  
21 the provisions of the unified investment program for state funds. The income from those investments must be  
22 credited to the account established in this section."

23  
24 **Section 35.** Section 81-6-313, MCA, is amended to read:

25 **"81-6-313. Powers and duties of department -- rules.** (1) The department shall:

26 (a) create, maintain, and promote a statewide livestock crimestoppers program in order to assist law  
27 enforcement agencies in detecting and combating livestock-related crimes; and

28 (b) consider the commission's recommendations and take action on them.

29 (2) The department may:

30 (a) advise and assist in the creation and maintenance of local programs;



- 1 (b) encourage the channeling of information from the programs to law enforcement agencies;
- 2 (c) foster the detection of livestock-related crimes by the public;
- 3 (d) encourage the public, through a reward program or otherwise, to provide information that assists in
- 4 the prosecution of livestock-related crimes;
- 5 (e) promote the state and local programs through the media;
- 6 (f) subject to [section 1], accept gifts, grants, or donations for the furtherance of the program and spend
- 7 ~~these the proceeds~~ in compliance with the conditions of the gifts, grants, or donations; and
- 8 (g) adopt rules necessary to administer the provisions of this part."
- 9

10 **Section 36.** Section 85-1-332, MCA, is amended to read:

11 **"85-1-332. Disposition of money collected.** (1) For the purpose of carrying out the provisions of this

12 chapter and other water resource authority, powers, and duties that are conferred upon the department by law,

13 the following money must be deposited in the water storage state special revenue account created by 85-1-631:

14 (a) subject to [section 1], all gifts, donations, bequests, and devises made to the state for purposes of

15 this chapter and proceeds of:

16 (i) the sale of the gifts, donations, bequests, and devises; and

17 (ii) the proceeds of the sale or redemption of and the interest earned by the securities purchased or

18 acquired with money received under this subsection (1)(a);

19 (b) all reimbursements for money advanced for the payment of the assessments upon state,

20 school-granted, and other public lands for the improvement of the lands as provided by law;

21 (c) all reimbursements for money advanced for the investigation and survey of reclamation,

22 electrification, and rehabilitation systems or projects proposed to be financed in whole or in part by the

23 reclamation of lands and diking, drainage, and diking and drainage dams for conservation of water to be used

24 in reclamation of land or stock reservoirs or for the construction, maintenance, and operation of plants or projects

25 for the manufacture or distribution of electric current;

26 (d) all reimbursements for costs of surveys and investigations for money advanced to counties, cities,

27 or towns or their proportion of the cost of the surveys and investigations or from any other sources;

28 (e) except as otherwise provided by law, all income or profit and revenue of the works and all money

29 received from the sale or disposal of water, use of water, water storage, or other service and from the operation,

30 lease, sale, or other disposition of the works, property, and facilities acquired under this chapter; and

(f) except as otherwise provided by law, all sums received by the department for the use of electricity in excess of the maintenance and operation of the electrification system or project.

(2) All ~~sums of~~ money donated or contributed by the federal government or any department or agency of the federal government must be deposited in a federal special revenue account."

**Section 37.** Section 87-1-272, MCA, is amended to read:

**"87-1-272. (Temporary) Future fisheries improvement program -- funding priority -- reports required.** (1) In order to enhance future fisheries through natural reproduction, the department shall establish and implement a statewide voluntary program that promotes fishery habitats and spawning areas for the rivers, streams, and lakes of Montana's fisheries.

(2) The department shall, ~~by April 1, 1996, and thereafter~~ when projects are suggested by the future fisheries review panel, through a public hearing process and with the approval of the commission, prioritize projects that have been recommended by the review panel to be funded. Emphasis must be given to projects that enhance the historic habitat of native fish species. The department shall fund and implement the program regarding the long-term enhancement of streams and streambanks, instream flows, water leasing, lease or purchase of stored water, and other voluntary programs that deal with wild fish and aquatic habitats. A project conducted under the future fisheries improvement program may not restrict or interfere with the exercise of any water rights or property rights of the owners of streambeds and property adjacent to streambeds, streambanks, and lakes. The fact that a program project has been completed on private property does not create any right of public access to the private property unless that right is granted voluntarily by the property owner.

(3) The department shall work in cooperation with private landowners, conservation districts, irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement program. Any department employee who is employed under this section to facilitate contact with landowners must have experience in commercial or irrigated agriculture. The department shall encourage the use of volunteer labor and grants, matching grants, and, subject to [section 1], private donations to accomplish program purposes. The department may use contracted services:

(a) for negotiations with landowners, local officials, citizens, and others;

(b) for coordination with other agencies that may be involved in projects conducted under this section;  
and

(c) to perform and supervise project work.

(4) Funds expended under this section may be used only for projects for the protection of the fisheries resource that have been identified by the review panel established in 87-1-273 and approved by the commission and may not be used for the acquisition of any interest in land.

(5) (a) The department shall report to the commission on the progress of the future fisheries improvement program every 12 months and post a copy of the report on a state electronic access system to ensure public access to the report.

(b) The department shall also present a detailed report to each regular session of the legislature on the progress of the future fisheries improvement program. The legislative report must include the department's program activities and expenses since the last report and the project schedules and anticipated expenses for the ensuing 10 years' implementation of the future fisheries improvement program.

(c) In order to implement 87-1-273 and this section, the department may expend revenue from the future fisheries improvement program for up to two additional full-time employees. (Terminates July 1, 2009--sec. 6, Ch. 529, L. 1999.)"

**Section 38.** Section 87-1-611, MCA, is amended to read:

**"87-1-611. Fish and wildlife mitigation trust fund created.** (1) There is established, separate and apart from all public money or funds of this state, a fund to be known as the fish and wildlife mitigation trust fund. The fund must be administered by the department.

(2) The fund consists of:

(a) money received under written agreements, contracts, or authorizations with the department made for the purpose of fish and wildlife mitigation or enhancement;

(b) subject to [section 1], any gift, donation, grant, legacy, bequest, or devise made for the purpose of fish and wildlife mitigation or enhancement;

(c) any interest, earnings, or income of the fund; and

(d) any property or easements acquired through the expenditure of money from the fund."

**Section 39.** Section 87-5-605, MCA, is amended to read:

**"87-5-605. Powers and duties of department -- rules.** (1) The department shall:

(a) create, maintain, and promote a statewide fish, wildlife, and parks crimestoppers program in order to assist law enforcement agencies in detecting and combating fish, wildlife, and parks-related crimes; and

1 (b) consider the board's recommendations and take action on them.

2 (2) The department may:

3 (a) advise and assist in the creation and maintenance of local programs, including neighborhood watch  
4 programs;

5 (b) encourage the channeling of information from state and local programs to law enforcement agencies;

6 (c) foster the detection of fish, wildlife, and parks-related crimes by the public;

7 (d) encourage the public, through a reward program or otherwise, to provide information that assists in  
8 the prosecution of fish, wildlife, and parks-related crimes;

9 (e) promote state and local programs through the media;

10 (f) subject to [section 1], accept gifts, grants, or donations for the furtherance of the program and spend  
11 ~~these~~ money received in compliance with the conditions of the gifts, grants, or donations; and

12 (g) adopt rules necessary to administer the provisions of this part."  
13

14 **Section 40.** Section 90-1-132, MCA, is amended to read:

15 **"90-1-132. (Temporary) Commission purposes -- duties and responsibilities.** (1) The general  
16 purposes of the commission include:

17 (a) assisting, promoting, encouraging, developing, and advancing economic prosperity and employment  
18 on Indian reservations in Montana by fostering the expansion of business, manufacturing, tourism, agriculture,  
19 and community development programs;

20 (b) cooperating and acting in conjunction with other organizations, public and private, to benefit tribal  
21 communities;

22 (c) recruiting business enterprises to locate on or invest in enterprises on the reservations; and

23 (d) subject to [section 1], identifying, obtaining, and coordinating federal, state, and private sector gifts,  
24 grants, loans, and donations to further economic development on the Indian reservations in Montana.

25 (2) The state-tribal economic development commission shall:

26 (a) determine, with assistance from the tribal business center coordinator and the federal grants  
27 coordinator in the office of the Indian affairs coordinator, the availability of federal, state, and private sector gifts,  
28 grants, loans, and donations to tribal governments, Indian business enterprises, and communities located on  
29 Indian reservations in Montana;

30 (b) apply for grants listed in the Catalog of Federal Domestic Assistance for which the commission is

1 eligible and which would, if awarded, supply identifiable economic benefits to any or all of the Indian reservations  
2 in Montana;

3 (c) in cooperation with a tribal government, and when allowed by federal law and regulation, assist the  
4 tribe in applying for grants listed in the Catalog of Federal Domestic Assistance for which an appropriate tribal  
5 entity is eligible and which would, if awarded, supply identifiable economic benefits to any or all of the Indian  
6 reservations in Montana;

7 (d) evaluate the apportionment of current spending of federal funds by state agencies in areas including  
8 but not limited to economic development, housing, community infrastructure, business finance, tourism promotion,  
9 transportation, and agriculture;

10 (e) conduct or commission and oversee a comprehensive assessment of the economic development  
11 needs and priorities of each Indian reservation in the state;

12 (f) notify tribal governments, the governor, the Indian affairs coordinator, and the directors of the  
13 departments of commerce, agriculture, and transportation; of the availability of specific federal, state, or private  
14 sector funding programs or opportunities that would directly benefit Indian communities in Montana;

15 (g) assist tribal governments and other tribal entities that are eligible for federal assistance programs as  
16 provided in the most recent published edition in the Catalog of Federal Domestic Assistance in applying for funds  
17 that would contribute to the respective tribes' economic development;

18 (h) work cooperatively with tribal government officials, the state coordinator of Indian affairs, and other  
19 appropriate state officials to help foster state-tribal cooperative agreements pursuant to Title 18, chapter 11, part  
20 1, that will:

21 (i) enhance economic development on the Indian reservations in Montana; and

22 (ii) help the department of commerce to fully implement and comply with the provisions of 90-1-105; and

23 (i) provide to the governor, the legislative council, the legislative auditor, and to each of the presiding  
24 officers of the tribal governments in Montana a biennial report that summarizes the activities of the commission.  
25 (Terminates June 30, 2009--secs. 3, 4, Ch. 460, L. 2005.)"

26  
27 **Section 41.** Section 90-14-103, MCA, is amended to read:

28 **"90-14-103. Office of community service.** (1) There is an office of community service, which is headed  
29 by a director and established in the office of the governor.

30 (2) The purpose of this office is to:

1 (a) renew the ethic of civic responsibility in the state;

2 (b) encourage the citizens of the state, regardless of age or income, to engage in full-time or part-time  
3 service to the state;

4 (c) call young people to serve in projects that will benefit the state and improve their life chances through  
5 the acquisition of literacy, job skills, and interpersonal skills;

6 (d) build on the existing organizational framework of state and local governmental entities to expand  
7 full-time and part-time service opportunities in a wide variety of programs for all citizens, particularly youth and  
8 older Montanans;

9 (e) involve participants in activities that would not otherwise be performed by employed workers; and

10 (f) establish programs to accomplish labor-intensive improvements to public or low-income properties  
11 or to provide services for the benefit of the state, its communities, and its people through service contracts that  
12 specify the work to be performed.

13 (3) The director must be appointed by the governor, after consultation with the commission. The director  
14 serves at the pleasure of the governor.

15 (4) ~~The Subject to [section 1],~~ the director shall, with the advice of the commission, assist the governor  
16 in the planning, coordination, operation, and evaluation of programs within state government or under grants,  
17 donations, bequests, or other resources received by and administered through state government for Montana  
18 community services.

19 (5) The director is responsible for the submission of applications for federal grants and for funding from  
20 any other sources for the creation or operation of volunteer projects. The director shall ensure accountability for  
21 all resources received.

22 (6) The director, together with the commission, shall integrate and develop state plans for all services  
23 provided under this part, including but not limited to the office of public instruction's service learning program, the  
24 Montana university system innovative projects, the Montana conservation corps established in 23-1-301, the  
25 department of military affairs' service involvement, and other community and volunteer service programs."

26  
27 **NEW SECTION.** **Section 42. Codification instruction.** [Section 1] is intended to be codified as an  
28 integral part of Title 2, chapter 1, and the provisions of Title 2, chapter 1, apply to [section 1].  
29

30 **NEW SECTION.** **Section 43. Effective date.** [This act] is effective on passage and approval.

2 NEW SECTION. **Section 44. Termination.** (1) [Section 37] terminates July 1, 2009.

3 (2) [Section 40] terminates June 30, 2009.

4 - END -